

### **REMARKS**

The Office Action dated July 7, 2004 has been received and carefully noted. The above amendments to the drawings and claims and the following remarks are submitted as a full and complete response thereto.

Claims 20-33 are pending in the present application. Claims 20, 23, 25-26, 31, and 33 are independent claims. Claims 20, 22-23, 25-26, 31, and 33 have been amended to more particularly point out and distinctly claim the present invention. Claims 23, 25, 31, and 33 have been placed in independent form by adding thereto all of the subject matter recited in the claims upon which these claims previously depended. Support for the subject matter added to claims 20 and 26 may be found at least on page 40, lines 6-10, of the present specification. No new matter has been entered. Claims 20-33 are respectfully submitted for consideration.

#### **Objection to the Drawings:**

The drawings of the present application were objected to for minor informalities. The above amendment of Figures 14-16 and 19 directly addresses the comments included in the Office Action and renders the objection to the drawings moot.

#### **Objection to Claims 22-23:**

Claims 22-23 were objected to due to a lack of antecedent basis. The above amendment of claim 22 directly addresses the comments included in the Office Action and renders the objection to claims 22-23 moot.

Rejection of Claims 20-22, 24, 26-30, and 32 Under 35 U.S.C. § 102(e):

Claims 20-22, 24, 26-30, and 32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,614,758 B2 to Wong et al. (Wong '758). Applicants respectfully submit that claims 20-22, 24, 26-30, and 32 recite subject matter which is neither disclosed nor suggested in Wong '758.

Claim 20, upon which claims 21-25 depend, recites a method of sending packets between trunked network switches. The method includes receiving a packet from a source at a first port of a trunked network switch, identifying that the first switch includes ports, an adjustable number of which are bundled as a trunk group, and identifying that the packet received from the source is destined for a destination which must be accessed through the trunk group, by checking a trunk bit in a lookup table. The method also includes identifying an appropriate trunk port of the trunk group on which to send the packet to the destination and forwarding the packet to the destination on the appropriate trunk port.

Claim 26, upon which claims 27-33 depend, recites a system for sending packets between ports on trunked network switches. The system includes a first switch having a plurality of communication ports, a second switch having a plurality of communication ports, a trunk connection between the first switch and the second switch, wherein the trunk connection comprises an adjustable number of ports, and a sending unit for sending a packet from a first port of the first switch to a second port of the second switch. The system also includes an ingress unit in the first switch for receiving the packet from a

source, and for performing an address resolution lookup on one of a source address and a destination address of the packet based upon a lookup table, an identifying unit for identifying that the first switch and second switch are connected by the trunk connection by checking a trunk bit in the lookup table, and for identifying an appropriate trunk port of a trunk group on which to send the packet to a destination, and a forwarding unit for forwarding the packet to the destination on the appropriate trunk port

As discussed in the present specification, certain embodiments of the claimed invention provide an efficient silicon based implementation of the spanning tree states. As also discussed in the present specification, certain other embodiments prevent unnecessary traffic on the Local Area Network (LAN) and maintain the efficiency of the trunk group. It is respectfully submitted that the prior art fails to disclose or suggest the elements of any of the presently pending claims. Therefore, the prior art fails to provide at least the above-discussed advantages of the claimed invention.

Wong '758 discloses load balancing in link aggregation and trunking. More specifically, Wong '758 discloses a packet switch 7 having a plurality of client network ports 8 for transmitting and receiving data packets to and from corresponding ones of the clients 5 via corresponding network links, and a plurality of network ports 9. In addition, Wong '758 discloses a packet switch 10 providing load balancing for trunked, or aggregated, links.

However, Wong '758 fails to disclose or suggest at least "identifying that the first switch includes ports, an adjustable number of which are bundled as a trunk group", as

recited in claims 20-22 and 24 of the present application. Wong '758 also fails to disclose or suggest at least "a trunk connection between said first switch and said second switch, wherein the trunk connection comprises an adjustable number of ports", as recited in claims 26-30 and 32 of the present application.

The ports disclosed in Wong '758 are disclosed as either being trunked or as not being trunked. Also, Wong '758 fails to disclose or suggest either adding or subtracting from the number of trunked ports in a trunk group. Therefore, Wong '758 fails to disclose or suggest at least the "identifying" step recited in claims 20-22 and 24 of the present application, wherein "an adjustable number" of the ports recited therein "are bundled as a trunk group". Wong '758 also therefore fails to disclose or suggest at least the "trunk connection" recited in claims 26-30 and 32 of the present application, which includes "an adjustable number of ports".

At least in view of the above claim amendments and remarks, reconsideration and withdrawal of the rejection of claims 20-22, 24, 26-30, and 32 under 35 U.S.C. § 102(e) as being anticipated by Wong '758 is respectfully requested.

*Rejection of Claims 23 and 31 Under 35 U.S.C. § 103(a):*

Claims 23 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong '758 in view of U.S. Patent No. 5,550,821 to Akiyoshi (Akiyoshi '821). In the Office Action, it was acknowledged that Wong '758 fails to disclose determining a trunk port based on bits of a source IP address or destination IP address. However, it was

alleged in the Office Action that Akiyoshi '821 may be combined with Wong '758 to yield the claimed invention. This rejection is respectfully traversed.

35 U.S.C. § 103(c) states that subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102 shall not preclude patentability under 35 U.S.C. § 103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. In the outstanding Office Action, Wong '758 was applied under 35 U.S.C. § 102(e). Also, it was acknowledged in the outstanding Office Action that Wong '758 has a common assignee with the present application. Therefore, Applicants respectfully point out that Wong '758 was inappropriately used to reject claims 23 and 31 of the present application under 35 U.S.C. § 103(a). Thus, reconsideration and withdrawal of the rejection of claims 23 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Wong '758 in view of Akiyoshi '821 is respectfully requested.

Rejection of Claims 25 and 33 Under 35 U.S.C. § 103(a):

Claims 25 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong '758 in view of U.S. Patent No. 5,379,280 to Cotton et al. (Cotton '280). In the Office Action, it was acknowledged that Wong '758 fails to disclose modifying the table to reflect trunk port failures. However, it was alleged in the Office Action that Cotton '280 may be combined with Wong '758 to yield the claimed invention. This rejection is respectfully traversed.


As discussed above, 35 U.S.C. § 103(c) prevents Wong '758 from being appropriately used to reject claims of the present application under 35 U.S.C. § 103 because Wong '758 and the present application have a common assignee. Therefore, Applicants respectfully submit that the rejection of claims 25 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Wong '758 in view of Cotton '280 is improper. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Applicants respectfully submit that all of the comments included in the Office Action have been addressed and that all of the objections and rejections included in the Office Action have been overcome. Applicants respectfully further submit that, at least in view of the above, claims 20-33 of the present application contain allowable subject matter. Therefore, it is respectfully requested that all claims pending in the present application be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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Enclosures: Replacement Figures  
Additional Claim Fee Sheet